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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,790	03/29/2002	Herman Schmodde	214907	5616

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EXAMINER

JILLIONS, JOHN M

ART UNIT PAPER NUMBER

3654

DATE MAILED: 07/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/030,790

Applicant(s)

SCHMODDE ET AL.

Examiner

John M. Jillions

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-32 and 35-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26-32 and 35-40 is/are allowed.
- 6) ☒ Claim(s) 16-25 and 41-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 16-22, 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaufmann et al for the reasons set forth in the previous Office action.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 23, 41-43, 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaufmann et al in view of Smith, newly cited. Smith teaches the grounding of a metallic yarn guide element 34 to the frame of the machine to prevent buildup of wax and lint. It would have been obvious to one of ordinary skill in the art to provide Kaufmann et al with a grounding means for a metallic guide element in contact with the yarn as taught by Smith in order to prevent lint from accumulating. With respect to claims 23, 42 and 46 obviously the grounding conductor could have been disposed in the housing of Kaufmann et al or even connected to the grounded conductor 70 therein which is already in the housing.
4. Claims 24, 44, 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaufmann et al in view of Smith as in the rejection above, further in view of Horvath et al. It would further have been obvious to provide Kaufmann et al with movable yarn sensors

supported on the metal elements 69, 70 of Kaufmann et al as taught by Horvath et al to provide indications of loss of tension or breakage of the yarn.

Allowable Subject Matter

5. Claims 26-32, 35-40 are allowed.

Response to Arguments

6. Applicant's arguments filed 6/25/04 have been fully considered but they are not persuasive. With respect to the rejection of claim 16 applicant argues that his clamp has an additional surface, designated as #4 in the marked up copy of Fig. 9, that Kaufmann et al lacks, and that Kaufmann et al includes a cover plate 11 attached to the lower end of the clamp, as seen in the previously submitted operating instructions of the Kaufmann et al device. Such arguments are not persuasive since nowhere in the specification of the present application is there support for the allegation that applicant's clamp includes a fourth support surface. Further the "cover plate" applicant refers to is not included in the patent to Kaufmann et al, and even if it were it is not seen to form part of the clamp itself (to help support the device on the rail)—it is merely a "cover", apparently to cover the electrical leads that are part of the clamp.


The arguments concerning claims 41 and claims dependent thereon, as well as the newly added claims, are moot in view of the new grounds of rejection set forth above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Jillions whose telephone number is (703) 308-2685. The examiner can normally be reached on M-F 9:15 - 5:45.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703) 308-2688. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


John M. Millions
Primary Examiner
Art Unit 3654

jmj